

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

<b>In re:</b>	)	
	)	
<b>DANNY EUGENE BROUS</b>	)	
<b>PAULA GAY BROUS,</b>	)	
<b>Debtors,</b>	)	<b>Case No. 09-30081</b>
	)	<b>Chapter 7</b>
<b>NORMAN E. ROUSE,</b>	)	
<b>Trustee/Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adversary No. _____</b>
	)	
<b>LEO HITES</b>	)	
<b>221 First, Box 313</b>	)	
<b>Jasper, Missouri 64755</b>	)	
<b>Defendant.</b>	)	

**COMPLAINT BY TRUSTEE TO SELL INTEREST OF JOINT TENANT  
PURSUANT TO 11 U.S.C. §363(H)**

COMES NOW the Plaintiff, Norman E. Rouse, by and through his attorney of record,  
Norman E. Rouse, and for his Complaint against the Defendant, states as follows:

**PARTIES**

1. The Debtors filed for relief under Chapter 7 of the Bankruptcy Code on January 30, 2009.
2. The Trustee in this Bankruptcy estate is operating pursuant to the rights, powers and duties in which he is entitled under 11 U.S.C. §363(H).
3. The Defendant Leo Hites, resides at 221 First, Box 313, Jasper, Missouri 64755.

**JURISDICTION**

4. The Plaintiff seeks to sell certain real estate jointly held between the Debtors

THIS DOCUMENT WAS  
ELECTRONICALLY FILED ON  
8/5/10 #  
TW

Danny Eugene Brous and Paula Gay Brous and the Defendant Leo Hites, pursuant  
11 U.S.C. §363(H).

5. This Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §1334.
6. This is a core proceeding under 28 U.S.C. §157(b)(2)(A), (F) and (O).

**VENUE**

7. That venue is proper in this court under 28 U.S.C. §1409.

**CAUSE OF ACTION**

8. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 7 above as though fully set out herein.
9. The Debtors and the Defendant Leo Hites own, as tenants in common, certain real estate located in Jasper County, Missouri, and described as follows:

All of the South 5 feet of Lot Numbered Two (2)  
and All of Lot Numbered Three (3) in Block Two  
(2) in S. B. LAWSON'S ADDITION to the Original  
Town, now City of Jasper, Jasper County, Missouri,  
according to the recorded Plat thereof.

10. Pursuant to 11 U.S.C. §363(H), the Trustee may sell both the estate's interest and the interest of any co-owner in real estate which the Debtors had, at the time of the commencement of this proceeding, an interest as tenants in common, joint tenants or tenants by the entirety.
11. Partition in kind of the property among the estate and the co-owners is impractical.
12. Sale of the estate's undivided interest in such property would realize significantly

less for the estate than the sale of such property free and clear of the interest of the co-owner.

13. The benefit to the estate of a sale of such property free of the interest of the co-owner outweighs the detriment, if any, to the co-owner.
14. The property is not used in the production, transmission, or distribution, for the sale of electric energy or for a natural or synthetic gas for heat, light or power.

WHEREFORE, the Trustee prays this Court enter an Order allowing him to sell the above-described property and upon the sale of said property that from the proceeds, the Defendant shall receive one-half ( $\frac{1}{2}$ ) subject to the costs of sale and other costs as allowed pursuant to 11 U.S.C. 363(H) and for such other and further relief as the Court deems just and proper.

Collins, Webster & Rouse, P.C.

  
/s/ Norman E. Rouse

Norman E. Rouse  
Missouri Bar No. 27439  
5957 E. 20th Street  
Joplin, Missouri 64801-8765  
(417) 782-2222  
ATTORNEY FOR TRUSTEE